

ADJOURNMENT.

On motion of Senator Chambers the Senate, at 9 o'clock, adjourned till 9 o'clock tomorrow morning.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, April 3, 1906.

Senate met pursuant to adjournment, Lieutenant Governor Neal presiding.

Quorum present, the following Senators answering to their names:

Present.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Storm.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Brachfield.	Paulus.
Martin.	

Pending reading of the Journal of yesterday, on motion of Senator Grinnan, the same was dispensed with.

SIMPLE RESOLUTION.

Senator Meachum offered the following resolution, which was adopted:

Resolved, by the Senate, that C. T. Hancock be allowed the sum of \$5 per day for seven days' service as clerk in the office of Sergeant at Arms of the Senate.

(Signed)

MEACHUM
STONE
DECKER
STAFFORD.
STORM.
TERRELL
HOLLAND.

Morning call concluded.

PRIVILEGE MOTION.

Senator Harper moved to call up the Free Conference Committee Report on Senate Bill No. 1, which was offered on yesterday, at the night session, and accept same and discharge the committee.

Pending discussion on the motion Senator Stafford was called to the Chair.

Pending discussion on the motion, Senator Hawkins made a point of order that the order of business called for reports of standing and special committees and that that would come before the matter under consideration.

The Chair ruled that the order of business had been called and therefore overruled the point of order.

Question was then on the motion by Senator Harper that the report of the Free Conference Committee, offered on yesterday, be accepted and the committee discharged.

The motion was lost by the following vote:

Yeas—10.

Chambers.	Harbison.
Faulk.	Harper.
Glasscock.	Hawkins.
Griggs.	Smith.
Grinnan.	Terrell.

Nays—16.

Barrett.	Looney.
Beaty.	McKamy.
Davidson.	Meachum.
Decker.	Skinner.
Faust.	Stafford.
Hanger.	Stone.
Hill.	Storm.
Holland.	Willacy.

Present—Not Voting.

Stokes.

Absent.

Brachfield.	Martin.
Hicks.	Paulus.

PAIRED.

Senator Stokes and Senator Paulus having previously agreed to pair on action on this bill, Senator Stokes asked to be so recorded.

(Lieutenant Governor Neal in the chair.)

PRIVILEGE MOTION.

Senator Hawkins called up the report of the investigation committee

Provided by his resolution on the third day of the session. There being a majority and a minority report, Senator Decker moved the adoption of the majority and Senator Hawkins moved, as a substitute, that the minority report be adopted. (See Journal for committee report in full.)

Pending discussion on the reports, Senator Harper moved that the Senate recess till 2 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

SPECIAL COMMITTEE REPORT.

Action recurred on the special committee reports.

The question being on Senator Hawkins' substitute motion.

(Senator Davidson in the Chair.)

The substitute motion was lost by the following vote:

Yeas—7.

Hawkins.	Stokes.
Looney.	Stone.
McKamy.	Terrell.
Smith.	

Nays—17.

Barrett.	Hanger.
Beaty.	Harper.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Skinner.
Faulk.	Stafford.
Faust.	Storm.
Griggs.	Willacy.
Grinnan.	

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Harbison.	Paulus.
Hicks.	

Senator Skinner offered the following amendment to the report, which was adopted:

Amend the report by adding after the word "State," in line 19 on page 2 of the Journal, the following: "But we do not approve the policy of State officers owning stock or acting as directors in banking institutions in which State funds are deposited."

Senator Skinner offered the following amendments, which were unanimously adopted:

Amend the report by striking out all after the word "State," where the same appears the second time in the last paragraph of the report, down to and including the word "action," in said paragraph.

Amend the report by striking out the words "can result," in line 18, page 2, thereof, as printed in Senate Journal seventh day, and inserting in lieu thereof the words "has resulted."

Amend the report by striking the following words from second section or paragraph thereof, viz: "And in our opinion is not likely to become detrimental to the public service."

The foregoing published report has been revised so as to conform to amendments. (Journal Clerk.)

Question then being on the majority committee's report, and the same was adopted.

Lieutenant Governor Neal in the chair.

HOUSE MESSAGE.

Hall of the House of Representatives,
Second Called Session Twenty-ninth Legislature.

Austin, Texas, April 3, 1906.

Hon. Geo. D. Neal, President of the Senate:

Sir—I am directed by the House to inform the Senate that the House has receded from House amendment No. 2 to Senate bill No. 1, said amendment providing for the exemption of counties issuing 1500 or less poll tax receipts, from the provision of said bill, and that the House insists upon its amendment No. 1 to said bill, providing for blanket primaries.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

MOTION IN WRITING.

Senator Looney offered the following motion in writing:

"That the Senate do adhere to its position of non-concurrence in House amendment No. 1 to Senate bill No. 1," and

Senator Chambers offered a substitute motion, in writing, as follows:

"Resolved, That the Senate do concur to House amendment to Senate bill No. 1."

Senator Chambers moved the previous question on both motions, which being duly seconded, was ordered.

Senator Looney moved to table the substitute and the same was adopted by the following vote:

Yeas—14.

Davidson.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Hanger.	Stafford.
Hill.	Stone.
Holland.	Storm.
Looney.	Willacy.

Nays—10.

Barrett.	Griggs.
Beaty.	Grinnan.
Chambers.	Harper.
Faulk.	Hawkins.
Glasscock.	Smith.

Absent.

Brachfield.	Martin.
Harbison.	Paulus.
Hicks.	

Present—Not Voting.

Stokes.	Terrell.
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PAIRED.

Senator Terrell, present, voting "nay,"
 Senator Hicks, absent, voting "aye,"
 Senator Stokes, present, voting "nay,"
 Senator Paulus, absent, voting "aye."

Senator Looney's motion was then adopted by the following vote:

Yeas—15.

Beaty.	McKamy.
Davidson.	Meachum.
Decker.	Skinner.
Faust.	Stafford.
Hanger.	Stone.
Hill.	Storm.
Holland.	Willacy.
Looney.	

Nays—9.

Barrett.	Grinnan.
Chambers.	Harper.
Faulk.	Hawkins.
Glasscock.	Smith.
Griggs.	

Absent.

Brachfield.	Martin.
Harbison.	Paulus.
Hicks.	

Present—Not Voting.

Stokes.	Terrell.
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PAIRED.

Senator Terrell, present, voting "nay."
 Senator Hicks, absent, voting "yea."
 Senator Stokes, present, voting "nay."
 Senator Paulus, absent, voting "yea."

Senator Looney moved to reconsider the vote by which his motion was adopted, and lay that motion on the table.

The motion to table was adopted by the following vote:

Yeas—14.

Davidson.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Hanger.	Stafford.
Hill.	Stone.
Holland.	Storm.
Looney.	Willacy.

Nays—8.

Beaty.	Griggs.
Chambers.	Grinnan.
Faulk.	Harper.
Glasscock.	Smith.

Absent.

Brachfield.	Hicks.
Harbison.	Martin.
Hawkins.	Paulus.

Present—Not Voting.

Barrett.	Terrell.
Stokes.	

REASONS FOR VOTING FOR
HOUSE BILL NO. 5.

We voted for House Bill No. 5 (the bill making an appropriation for mileage and per diem for this special session), because we believe that under the Constitution of this State every Senator and Representative is entitled to mileage and per diem if he claims it. We shall not ourselves accept either mileage or per diem for this special session. We do not, however, question the legal right of any other member of either body to claim and collect mileage and per diem if he so desires.

The question being one personal to each member, we think each member should decide it for himself.

SKINNER.
 McKAMY.
 LOONEY.

We vote for the mileage and per diem bill for the reason that, while we shall not accept any compensation whatever for our services, we feel that such members who desire so to do, are entitled to exercise their own judgment in the premises.

WILLACY.
 FAUST.

BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing and did sign in the presence of the Senate after their captions had been read:

House Bill No. 5, a bill to be en-

titled "An Act making an appropriation for the per diem and mileage pay of members and per diem pay of officers and employes of the Second Called Session of the Twenty-ninth Legislature of the State of Texas, convened March 26, 1906, by proclamation of the Governor."

House Bill No. 6, a bill to be entitled "An Act making an appropriation to defray the contingent expenses of the Second Called Session of the Twenty-ninth Legislature, convened March 26, 1906, by proclamation of the Governor."

House Concurrent Resolution No. 5, lamenting the death of William L. Prather, late President of the University of Texas.

RESOLUTION.

Senator Faulk offered the following:

Resolved, That the Senate Conference Committee is by the Senate instructed to accede to the House amendment to the Senate election bill known as the blanket primary amendment.

Smith, Faulk, Grinnan, Chambers, Stokes, Harper.

Senator Hanger raised the point of order that the matter contained in the above was, in substance, the same which was just previously voted upon.

The Chair sustained the point of order.

RECESS.

On motion of Senator Stafford the Senate recessed till 5:30 o'clock, p. m.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

SIMPLE RESOLUTION.

Senator Davidson offered the following resolution:

Whereas, There is now a bill pending before Congress which will likely pass, increasing the number of Commissioners on the Interstate Commerce Commission, such new members to be appointed from the Republican and Democratic parties; and

Whereas, The State of Texas has the greatest railroad mileage and the most effective Railroad Commission of any of the States; and

Whereas, Hon. Allison Mayfield of Sherman, Texas, a prominent Democrat of this State, is a distinguished member of the Texas Railroad Commission, having served as such about nine years, and who is peculiarly fitted and competent to serve on the Inter-

state Commerce Commission; therefore be it

Resolved, by the Senate of the Twenty-ninth Legislature of the State of Texas, now in special session, That the President be and he is hereby respectfully and earnestly requested to appoint the said Hon. Allison Mayfield on such Interstate Commerce Commission should said bill be passed by Congress, and that the Secretary of the Senate furnish said Hon. Allison Mayfield with a copy of this resolution.

George D. Neal, Lieutenant Governor, Decker, Faulk, Grinnan, Looney, McKamy, Faust, Glasscock, Stone, Stokes, Davidson, Holland, Meachum, Willacy, Hanger, Chambers, Stafford, Griggs, Harper, Smith, Storm, Terrell, Beaty; Adopted.

Senator Davidson moved to reconsider the vote by which the resolution was adopted.

The motion to table was adopted.

SPECIAL COMMITTEE APPOINTMENT.

Senator Davidson moved that the Chair appoint a committee to arrange for the officers of the Senate who should be retained. The motion was adopted and the Chair appointed on the committee Senators Hanger, Davidson and Storm.

SIMPLE RESOLUTION.

Senator Looney offered the following resolution:

Whereas, The members of this Senate named herein below, having agreed to attend free of charge to the State the Second Called Session of the Twenty-ninth Legislature for the purpose of correcting the error made in the enrollment of Section 120 of the Election Law passed at the First Called Session; and

Whereas, Warrants have been issued by the Secretary of the Senate and signed by the Lieutenant Governor in favor of the Senators herein named for mileage and per diem due each under the laws of this State, which said warrants are described as follows, that is to say:

Warrant No. 20 in favor of B. F. Looney, for \$149.00, dated March 31, 1906.

Warrant No. 6, in favor of A. B. Davidson, for \$97.00, dated March 31, 1906.

Warrant No. 22, in favor of W. C. McKamy, for \$129.00, dated March 31, 1906.

Warrant No. 25, in favor of S. P. Skinner, for \$116, dated March 31, 1906.

Warrant No. 32, in favor of J. G. Willacy, for \$126.20, dated March 31, 1906.

Warrant No. 13, in favor of W. A. Hanger, for \$123.40, dated March 31, 1906.

Warrant No. 27, in favor of R. N. Stafford, for \$157, dated March 31, 1906.

Warrant No. 31, in favor of J. M. Terrell, for \$169.80, dated March 31.

Warrant No. 2, in favor of A. P. Barrett, for \$159, dated March 31, 1906.

Warrant No. 10, in favor of G. W. Glasscock, for \$55.40, dated March 31, 1906.

Warrant No. 9, in favor of Joseph Faust, for \$65, dated March 31, 1906.

Warrant No. 16, in favor of A. S. Hawkins, for \$157, dated March 31, 1906.

Now, therefore, be it resolved by the Senate, That at the instance of the Senators named, the Secretary of the Senate be, and he is hereby authorized and directed to leave said warrants in the warrant book and to write in red ink across the face of each so as to show that the same is canceled and not to be collected.

The resolution was adopted.

HOUSE MESSAGE.

Hall of House of Representatives,
Second Called Session of the
Twenty-ninth Legislature,
Austin, Texas, April 3, 1906.
Hon. Geo. D. Neal, President of the
Senate.

Sir—I am directed by the House to inform the Senate that the House has receded from its amendment No. 1, known as the Blanket Primary Amendment, to Senate Bill No. 1, by the following vote: Yeas, 102; nays, 7.

Respectfully,

BOR BARKER,
Chief Clerk, House of Representatives.

POST SESSION—CLERICAL WORK. REPORT OF COMMITTEE.

Austin, Texas, April 3, 1906.
Hon. George D. Neal, President of the
Senate:

Sir—We, your committee, appointed under resolution such officers and employes as should be retained after adjournment, and to specify their duties, number of days, pay, etc., beg leave to report as follows:

First—We recommend that the Assistant Secretary, W. E. De Lamar, and Journal Clerk, R. M. Gilmore, each be retained for three days after adjournment and that they be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index to same and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the

Secretary of the Senate. And that the Assistant Secretary and the Journal Clerk shall perform their duties in conjunction with each other, and that the Assistant Secretary shall in addition to his other duties assist the Journal Clerk.

Second—We recommend that the Sergeant-at-Arms, C. H. Allen, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds upon adjournment of this Legislature; and that the Sergeant-at-Arms be allowed one day after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate at the next special or regular session of the Legislature, as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed the two porters, Mark and Monroe, to assist him; porters to be paid \$2 per day and this to be out of the appropriation of the per diem of members, officers, clerks and employes.

Third—That each of the above named officers be paid the sum of \$5 per day for the time retained and that this be paid out of the per diem appropriation for the Twenty-ninth Legislature, Second Special Session.

DAVIDSON.

STORM.

HANGER.

The report was adopted.

PRESIDENT PRO TEM—ELECTION OF.

The Chair here announced that the election of a President Pro Tem, in order, whereupon

Senator Looney placed in nomination for the place Senator McKamy of Dallas county.

The nomination was seconded by Senators Skinner, Faulk, Hawkins, Decker and Harbison.

There were no other nominations.

The Chair appointed Senators Harbison, Barrett and Holland as tellers.

Senator McKamy received twenty-

three votes—all votes cast—and was declared duly and constitutionally elected.

Senator McKamy was escorted to the bar of the Senate and the oath of office was administered him.

RECESS.

On motion of Senator Harbison the Senate recessed till 8 o'clock p. m.

AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Neal.

BILL SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate after caption had been read.

Senate Bill No. 1, a Bill to be entitled "an Act to amend Section 120 of Chapter II, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled an Act to regulate elections and provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary and political conventions, approved April 1, 1903."

PETITION.

Senator Hill offered the following and asked that it be published in the Journal:

Mason, Texas, April 2, 1906.

Hon. J. W. Hill, Austin, Texas:

Dear Sir—I enclose herewith a letter to you from citizens of Mason County, gotten up in a couple of hours, which expresses the sentiment of about 95 per cent of our people, and that is to leave the question of primaries for county offices to the party organization in each county, and where no nominations are made by any party, that all names be placed on all tickets. The House having passed an amendment making provision for counties under 1500 votes, which would apply to this county, we would naturally like to see same pass in the Senate with the additional provision in regard to tickets if it could be passed, though very likely that it would not be considered germane to the question of nominations, and there might be some objection to it on the ground that it related more to the general election law than to the primary and nomination question. However, it is a just provision and one which in this and two

adjoining counties of Gillespie and Kimble would give great satisfaction, and I am satisfied would be well received throughout Southwest Texas.

The Democrats of our county, while in the majority, are unprepared for primaries for county officers, and many would not go into the primaries at all. We would prefer to have it left with the Executive Committee, and let them order the primaries when they deem it advisable, and that same can be carried out successfully.

I would have written before but thought the Legislature would merely correct Section 120, and would only be in session a few days, and I have been away from home for a week, and so neglected the matter.

Trusting that this will reach you in time and that it will meet with your approval, and that you will do what you can for us, I remain,

Yours truly,

A. N. MOURSUND,

Chairman Dem. Ex. Com. Mason Co.

Mason, Texas, April 2, 1906.

Hon. J. W. Hill, Austin, Texas:

Dear Sir—We, the undersigned citizens and voters of Mason County, Texas, respectfully ask you to use your utmost efforts to secure the passage in the Senate of the amendment to the election law adopted in the House, which leaves the matter of holding primaries for county officers with the executive committee of the county in counties wherein less than 1500 votes were cast for Governor. As you are aware, in this portion of the State there is a great deal of opposition to primaries for county offices, in many counties a majority of the Democrats being opposed to same, and we deem it to the best interests of the democratic party in this county to have the matter left open for the executive committee to pass upon, and let them judge as to when the people are ready for such innovation and when it can be successfully instituted.

If such amendment is adopted, it occurs to us that it would be fair and equitable to provide that in counties wherein no primaries for county officers are held all names of candidates for such offices may be placed on all tickets.

If you can consistently help us in this matter we will highly appreciate all that you may do for us.

Numerously signed.

SIMPLE RESOLUTION.

By Senator Glasscock:

Resolved, That Ed Underhill, a page of this Senate, be allowed two days' extra pay.

The resolution was read and adopted.

Sacred to the Memory of
Honorable Howard Martin

Whereas, We have learned with deep regret of the death of Hon. Howard Martin, Assistant Attorney General of the State of Texas; therefore, be it

Resolved, by the Senate of the State of Texas:

First—That in his death his profession has lost a distinguished lawyer, his State an official of superb ability and courage, and a most loyal and patriotic citizen.

Second—That we extend to his bereaved family and friends our sincere sympathy and join in grief with them in the irreparable loss sustained by them and by the State.

Third—That when the Senate adjourns today it do so out of respect to his memory and that this resolution be spread upon a page of the Journal of the Senate, and that a copy of the same be forwarded to the family of the deceased at Weatherford, Texas.

On motion of Senator Hanger, the resolution was adopted by a rising vote.

HOUSE MESSAGE.

Hall of the House of Representatives,
Second Called Session, Twenty-
ninth Legislature.

Austin, Texas, April 3, 1906.

Hon. George D. Neal, President of the
Senate:

Sir—I am directed by the House to
inform the Senate that the House has
passed the following:

House Concurrent Resolution No. 6,
relative to sine die adjournment of the
Second Called Session of the Twenty-
ninth Legislature.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 6.

The Chair laid before the Senate
House Concurrent Resolution No. 6,
relative to sine die adjournment.

The resolution provided for the ad-
journment of the Legislature at 9
o'clock p. m.

The resolution was adopted.

SIMPLE RESOLUTION.

By Senator Griggs:

Whereas, Misses Donnelly and Stan-
ley and Bolger have served the various
members of the Senate as stenogra-
phers during this Special Session with-
out compensation except for two days;
therefore be it

Resolved, That Misses Donnelly and
Stanley and Bolger be allowed pay for
five days as such stenographers, and
that T. F. McClure be retained one
day after adjournment.

The resolution was read and adopted.

NOTIFICATION COMMITTEE APPOINTED.

Here the Chair, on motion of Senator
Hanger, appointed the following spe-
cial committee:

To notify the Governor that the Sen-
ate had completed its labors, and was
ready to adjourn: Senators Skinner,
Meachum and Hanger.

To notify the House of Representa-
tives that the Senate had completed its
labors and was ready to adjourn: Sen-
ators Glasscock, Faulk and Smith.

COMMITTEE FROM HOUSE OF REPRESENTATIVES.

A committee from the House here
appeared at the bar of the Senate and
notified the Senate that the House had
completed its labors and was ready to
adjourn.

SPECIAL COMMITTEE REPORTS.

The special committees here made
their reports, the one to notify the Gov-
ernor, stating that the Governor had
nothing else to communicate to the
Senate.

SIMPLE RESOLUTION.

By Senator Terrell:

Be it Resolved by the Senate, That
the Public Printer is requested to print
the Senate Journal of today at once
and deliver the same to the Sergeant
at Arms of the Senate on tomorrow
morning at 9 o'clock.

The resolution was read and adopted.

SINE DIE ADJOURNMENT.

The Notification Committees having
made their report, the Chair (Lieuten-
ant Governor Neal) here announced
the hour of 9 o'clock p. m. the time
set for sine die adjournment, had ar-
rived, and, in accordance with the Con-
current Resolution adopted, pronounced
the Second Special Session of the
Twenty-ninth Legislature adjourned
without day.

APPENDIX.

TELEGRAMS TO SENATOR HOLLAND.

Senator Holland offered the following
telegrams, had them read and asked
that they be published in the Journal,
there being no objections, it was so
ordered:

Bay City, Texas, April 2, 1906.

Hon. W. M. Holland, Austin, Texas:

Matagorda County unanimously en-
dorses House amendments. Please
govern yourself accordingly.

(Signed)

NEWS, TRIBUNE AND BANNER

Galveston, Texas, April 3, 1906.

Hon. W. M. Holland, Austin, Texas:

Adhere to Senate bill. We believe
good faith demands it.

(Signed)

R. WAVERLY SMITH
E. R. CHEESBROUGH.
WALTER GRESHAM.
JAMES B. STUBBS.
MARTIN H. PAYSTON.
J. P. ALVEY.
FRED B. PABST.

SENATOR FAULK'S LETTER.

Athens, Texas, June 23, 1906.

To the News.

You ask in yours of 21st inst.
Are you willing to attend an
extra session of the Legislature "with-
out cost to the State and without com-
pensation to yourself" for the purpose

of correcting Section 120 of the election law, etc.

I am not remotely responsible for the condition of Section 120 as it now is. I do not consider it any part of my official duty to make such sacrifice. Such methods and requests are unprecedented. The country is safe under the present law for two years. The Governor refused to veto the bill, although he knew its condition. If the emergency demands an extra session, I hope the whole law will be submitted to an overhauling and not Section 120 alone.

If you mean by the expression "without cost to the State," that the members would be bound to secure the services of such employes as would be necessary, as well as secure stationery, printing, etc., free of cost to the State, then certainly this would be wrong.

The bill was tampered with in an unwarranted manner. If the Grand Jury can take cognizance of this matter, and I think it can, then the District Judge of Travis County should instruct them to go to the bottom of it, to the end that the guilty party may be exposed and punished.

I am yours truly,

J. J. FAULK,
Senator Ninth District.

SENATOR HARPER'S LETTER.

Mexia, Texas, June 22, 1905.

A. H. Belo & Co., Dallas, Texas:

Gentlemen—Your favor of the 21st received. To signify that I was willing to attend without pay would be a virtual request to the Governor to call an extra session of the Legislature. I am not in favor of an extra session even were I to receive full pay. I do not deem the matter of sufficient importance for the Governor to convene the Legislature in special session. Even though the members should serve free, the expenses of such a session would be a considerable item, and taking the condition of the finances of the State; the fact that the Legislature felt called upon to raise the ad valorem rate of taxation, and nearly all other species of taxation, and every one who now receives State warrants is discounting them, such action on the part of the Governor I would not deem for the best interest of the State. In addition I would not care to bind myself as to how I should vote should an extra session be called. I should vote for what in my opinion was the best bill offered, regardless of what has or has not been done in the past. If a mistake was made the State will not suffer materially, and feeling in no way responsible for the mistake, I do not feel called upon to ask the Governor to take me away from my private business down on a jaunt to Austin. Very respectfully,

A. J. HARPER.

PUBLISHED BY REQUEST.

Senator Faulk offered the following, with request that the same be published in the Journal, and there being no objection, the same was so ordered.

Austin, Texas, April 3, 1906.

Governor S. W. T. Lanham, Austin, Texas:

Dear Sir—We are as anxious as yourself or any one else to restore Section 120 of the election law as it passed the last Legislature, with an amendment providing that any candidate for a State or district office receiving a majority of the votes in the primary election shall be declared the nominee. This, in our opinion, perfects the law and responds to the demands of the people. Many members on the floor of the Senate who voted against this amendment said that they did so on account of a promise, either express or implied, made to you to only restore Section 120 at this session as it passed the last Legislature, but also stated that they favored a blanket primary election law and that their constituents wanted it. In view of this situation and the further fact that this called session will likely adjourn without doing anything, we, therefore, respectfully ask you to release said members of the Senate from the aforesaid promise, so that they may free and untrammelled to act in this subject. We do not know whether you favor the proposed amendment, neither do we know whether or not said members desire to be released from said promise to you, but, in our opinion, the gravity of the situation demands that you indicate to them by special message or otherwise your willingness to absolve them therefrom.

The Senate has passed a resolution to adjourn sine die at 12 o'clock today, and the two houses are locked on the issue of a blanket primary election law and we believe that the solution of this matter is on the lines indicated above, and that if this course is taken Section 120 will be restored intact, with the aforesaid amendment added, which strengthens and perfects the law. We have been in session only a few days and we do not believe that we should adjourn without exhausting every available means at our command to accomplish the purpose of this called session, which we do not think has been done. We do not intend to be officious or go beyond the bounds of propriety, but we are actuated solely

by a sense of duty and to meet unusual conditions that confront us.

Respectfully,

J. J. FAULK,
Senator Ninth District.

A. J. HARPER,
Senator Twelfth District.

GEO. B. GRIGGS,
Senator Sixteenth District.

C. M. CHAMBERS,
Senator Second District.

GEO. W. GLASSCOCK,
Senator Twentieth District.

JNO. T. BEATY,
Senator Fourteenth District.

J. M. TERRELL,
Senator First District.

ARCH GRINNAN,
Senator Twenty-sixth District.

STOKES,
Senator Third District.

SMITH,
Senator Thirty-first District.

Executive Office, State of Texas,

Austin, Texas, April 3, 1906.

Senators J. J. Faulk, A. J. Harper,
George B. Griggs, C. M. Chambers,
G. W. Glasscock, John T. Beaty,
J. M. Terrell, Arch. Grinnan, C. C.
Stokes and E. C. Smith:

Dear Sirs—I have received your letter of this date, in which you request me to release members of the Senate from the promise, either express or implied, to only restore Section 120 at this session, as it passed the Legislature. In reply, I beg to advise you that I have received no request from any member of either House except yourselves for such release. I convened this Special Session for the specific purpose mentioned in the call and as further explained in my message to the Legislature. The call was made upon the initiative of those members of the Legislature who appeared to desire a special session for the sole purpose of so correcting said Section 120 as to make it conform to the meaning and language in which it was finally passed. I frankly state to you that no suggestion was made to me in reference to any other matter than such correction by any members of the Legislature who asked or agreed to the special session until after the call was made. I would not have convened this special session had I believed that other matters than that embraced in the call and my message were to be considered. I do not feel authorized to release any gentleman from any promise either made to me or his fellow-members. I must therefore respectfully decline to

comply with your request. I have honor to be very respectfully,

Your obedient servant,
S. W. T. LANHAM,
Governor

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, April 3, 1906

Hon. George D. Neal, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 1, being "An Act to amend Section 120 of Chapter II the acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled an act to regulate elections and to provide penalties for its violation and to repeal the acts of the Twenty-eighth Legislature of 1903, regulating elections, general special and primary and political conventions approved April 1, 1903, and find the same correctly enrolled, and have this day at 8:31 p. m. presented the same to the Governor for his approval.

TERRELL, Chairman.

Following is the bill in full:

S. B. No. 1.

AN ACT

To amend Section 120, of Chapter I of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled An Act to regulate elections and provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary and political conventions, approved April 1, 1903.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 120, Chapter 11, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, and is hereby amended so as to hereafter read as follows:

Section 120. The candidate for any county office who received either a plurality or majority vote of all the votes cast in his county, as provided for in section one hundred and eleven of this Act, shall be entitled to be placed upon the official ballot as a candidate of his party for the office for which he was nominated. Candidates for all State and district offices shall in the nominating convention, be prorated among them the convention vote of each county in proportion to

the vote cast for each candidate in the primary election in such county.

In district and State conventions, at the end of each ballot cast, the candidate receiving the smallest vote shall be dropped from the list of candidates to be voted for on the next ballot. Each county delegation upon each ballot cast for candidates being voted for, shall cast for each of such candidates the vote of the county or his prorata part of the county vote, as long as the name of such candidate is before the convention. Whenever the name of any candidate is withdrawn or dropped from the convention, then the delegation of each county may cast the instructed vote or any part thereof of such county for such dropped or withdrawn candidate for any other candidate whose name is then before the convention, as the delegation may decide. The convention shall continue to ballot until some one of the candidates

balloted for shall receive a majority of all the votes of the convention, when he shall be declared the nominee of the party for the office for which he is nominated. Each county in the State or district convention shall be entitled to one vote for each three hundred votes or major fraction thereof, cast for the candidate for Governor of the political party holding the convention at the last preceding general election. In case at such general election there were cast for such candidate for Governor less than three hundred votes in any county, then all such county shall have one vote. The result of the nominating convention of a district shall be certified by the chairman thereof to the county clerks of the counties composing such district, and of a State convention to the Secretary of State, who shall in turn certify the same to all county clerks.

Sec. 2. Emergency clause.

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APPENDIX A.

SENATE BILLS—HISTORY OF, IN SENATE.

By Hanger et al.:

Senate bill No. 1, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time, and referred to the Committee on Privileges and Elections 6
Reported favorably 6
Senate rule suspended..... 6
Committee report adopted..... 6
Constitutional rule requiring bills to be read on three several days, bill ordered engrossed, constitutional rule suspended and bill placed on third reading; read third time and passed.....8 to 10
Reported engrossed 15
Received from House with amendments 23
Senate refuses to concur, free conference committee requested.. 23 to 27
Free conference committee appointed 28
Free conference committee report.. 39
Signed 46
Enrolled bill in full..... 50

By Senator Decker:

Senate bill No. 2, a bill to be entitled "An Act to amend Section 120 of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled

'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions,' approved April 1, 1903."

Read first time and referred to Committee on Privileges and Elections 6
(Died on Calendar.)

S. B. No. 3. By Faulk and Willacy.

A bill to be entitled "An Act appropriating twenty thousand (\$20,000) dollars to pay mileage and per diem of members and per diem of officers and employes of the Second Called Session of the Twenty-ninth Legislature, convened on 26th of March, 1906, by proclamation of the Governor."

Read first time and referred to Committee on Finance..... 13
Reported favorably 14
Made special order..... 17
Made special order..... 23
(Died on Calendar.)

By Senator Faulk:

S. B. No. 4. By Faulk, Willacy and others.

A bill to be entitled "An Act appropriating five hundred (\$500) dollars to pay the contingent expenses of the Second Called Session of the Twenty-ninth Legislature."

Read first time and referred to Committee on Finance..... 13
Reported favorably 15
Committee report adopted, bill ordered engrossed, constitutional rule suspended; read third time and passed 17
Reported engrossed 19
(Died in House.)